



BIOGRAPHY and COURT PRACTICE JUDGE TERRENCE F. McVERRY

The Honorable Terrence F. McVerry was born on September 16, 1943, in Pittsburgh, Pennsylvania, the youngest of four sons of the late Anna A. and Thomas L. McVerry. He received his B.A. degree from Duquesne University in 1965 and a Juris Doctor degree from its school of law in 1968. Following graduation, he commenced active duty with the United States Army Reserves after which he served as a commissioned legal officer in the Pennsylvania Air National Guard until his Honorable Discharge as a Captain in 1977.

He served as a trial prosecutor in the Office of the District Attorney of Allegheny County from 1969 to 1973. Thereafter, he engaged in the general practice of law for the next twenty-five years with the last ten as an active trial practitioner in the medical professional negligence field with the firm of Grogan, Graffam, McGinley & Lucchino. In 1978, McVerry was elected to the Pennsylvania House of Representatives and represented a number of south hills communities in the General Assembly for six terms through 1990. He continued in the private practice of law until May, 1998, when Governor Tom Ridge nominated him to fill a vacancy on the Court of Common Pleas of Allegheny. He served as a Judge in the Family Division of that Court until January, 2001. Thereafter, he became the Solicitor of Allegheny County serving as the Chief Legal Officer and Director of the Law Department during the advent of Allegheny County's new Home Rule Government.

In January, 2002, McVerry was nominated by President George W. Bush to be a Federal District Court Judge for the Western District of Pennsylvania. He was confirmed by the United States Senate on September 3, 2002, and began serving as a Judge on September 27, 2002.

Judge McVerry is a member of the Pennsylvania Bar Association, Allegheny County Bar Association and Federal Judges Association. He is a former member of the Pennsylvania Commission on Sentencing and the Pennsylvania Conference of State Trial Judges. He also served as a member of the Allegheny County Charter Drafting Committee which prepared the Home Rule Charter for the new form of government in Allegheny County which took effect in January, 2000.

Judge McVerry and his wife, Judy, have three children and several grandchildren.

**PRACTICES AND PROCEDURES OF
JUDGE TERRENCE F. McVERRY**

I. GENERAL MATTERS

A. **Communications with the Court**

The Court prefers that communications be in the form of a motion for docketing. However, correspondence is acceptable, provided all parties are copied. Emergency situations may warrant telephone contact.

B. **Communications with Law Clerks**

Communications with law clerks regarding the status of cases and administrative matters are permissible.

C. **Telephone Conferences**

Attorneys and parties are permitted to participate in case management/status conferences by telephone when they are from outside of the city. However, for pretrial and settlement conferences, trial counsel are expected to appear in person.

D. **Pro Hac Vice Admissions**

These are generally handled on an informal basis by motion and counsel may make the motion before or on the date of the trial.

E. **Comment to the Media**

No special policy is in effect and counsel should abide by the governing Rules of Professional Conduct.

II. MOTIONS PRACTICE

A. **Oral Argument**

Oral argument shall be heard on selected factually and/or legally complex matters, but not otherwise. Requests for oral argument will be considered and an order will be issued if argument is warranted.

B. **Briefs**

Briefs in support of dispositive and substantive motions which deal with the merits of the case are required. Motions for an extension of time, continuance or those involving a discovery dispute do not require a brief unless directed by the court. Briefs shall not exceed twenty (20) pages. Reply briefs are not encouraged, but may be filed without leave of court within five (5) days of the response brief and shall not exceed five (5) pages.

- C. **Chambers Copies of Motion Papers**
Counsel are requested to send courtesy copies of all briefs and motions to chambers. Voluminous exhibit binders should be omitted as they are available from the Clerk of Court file.
- D. **Scheduling**
Parties are generally afforded a maximum of twenty (20) days to file a response and brief to a motion or thirty (30) days if it is a dispositive motion or involves a federal agency with counsel outside of Pittsburgh. Briefs shall be filed with the motion or response.
- E. **Magistrate Judge's Report and Recommendation**
Reports and Recommendations to which objections have been filed will not be decided until a response is filed by the non-objecting party (or opposite party if both object). Briefs not in excess of ten (10) pages are encouraged. If no objections have been filed, a decision is made solely on the basis of the R & R and the briefs already filed. Objections and appeals to Magistrate Judge orders on discretionary issues pertaining to discovery disputes are discouraged.
- F. **Evidentiary Hearings**
Evidentiary hearings which are necessitated by the filing of pretrial motions will be conducted in advance of trial.
- G. **Motions In Limine**
Motions in limine with supporting briefs are required and must be filed two (2) weeks in advance of trial. Unless there is a good reason not to do so, motions in limine will be ruled upon in advance of trial (see Side Bars, infra).

III. CIVIL CASES

- A. **Pretrial Procedures**
 - 1. **Local Rule 16.1**
A standard form scheduling order based on L.R. 16.1 shall be utilized. Each case will be designated as Track I or Track II. Pursuant to the requirements of L.R. 16.1.2, additional items may be included in the order. Copies of the standard form Case Management/Scheduling and Pretrial orders are attached.
 - 2. **Pretrial Conferences**
An initial case management/scheduling conference shall be scheduled within thirty (30) days after the appearance of a defendant. At the initial case management/scheduling conference, the L.R. 16 order will be issued after discussion

with counsel as to the length of time necessary for discovery, need for expert witnesses and other matters. Additional status conferences may take place upon request of counsel and in all cases prior to the trial date to discuss settlement and/or trial. Counsel are encouraged to request the assistance of the court on any matter and conferences may be conducted by telephone to handle routine problems provided all counsel collaborate and initiate the call.

3. **Settlement**

Counsel are required to have discussed and obtained settlement authority from their client(s) prior to any scheduled conference with the Court. The client should, but is not required, to be present but must be available by telephone unless otherwise ordered by the Court. ADR possibilities will be explored at such conferences. Mini-trials may be conducted when the parties genuinely believe that it will assist in settlement negotiations.

When counsel compromise and settle an action without the involvement of the Court, they must notify the Court and Clerk's office forthwith.

4. **Extensions and Continuances**

Motions for extensions and continuances are usually granted upon good cause or with consent of all counsel, but not if dilatory tactics are apparent.

B. **Discovery Matters**

1. **Length of Discovery Period and Extensions**

Generally one hundred twenty (120) days is permitted for discovery unless the parties indicate that additional time will be needed for good cause. Extensions of time for discovery are permitted for cause shown so long as discovery has been advancing.

2. **Expert Witnesses**

Discovery depositions of expert witnesses are nearly always permitted after completion of fact discovery. Expert witness discovery is reciprocal.

3. **Deposition Disputes**

For discovery disputes that arise during a deposition, the attorneys may together contact the Court to determine whether the Court is available and/or inclined to resolve the matter at that time.

4. **Stay of Discovery**

The filing of a dispositive motion will not automatically stay discovery. A stay may be sought by motion and will be granted only if the right to relief under the dispositive

motion is clear or there is some other good reason. In some cases, discovery may be limited to those facts in support or opposition to the dispositive motion (e.g., Motion to Dismiss on grounds of lack of in personam jurisdiction).

5. **Limitations on Discovery**

No standard form restrictions on the number of interrogatories or length of depositions are employed beyond those set forth in the Federal Rules of Civil Procedure. However, the parties are expected to use common sense and discretion in discovery matters, and the Court will entertain motion requests to limit discovery when that propounded is unreasonable.

6. **Rule 11 Motions - Rule 37 Sanctions**

The Court expects counsel to avoid the necessity of filing these motions through the exercise of good professional judgment, common courtesy and civility. However, counsel fees and costs will be awarded in appropriate circumstances. Briefs are required.

C. **Injunctions and TRO's**

All requests for injunctions and temporary restraining orders are scheduled as expeditiously as possible. After review of the pleadings and Affidavit(s), the Court will determine whether to conduct a hearing and the scope of the necessary testimony.

The moving party must establish that serious efforts were made to contact the opposing party and/or its counsel prior to seeking TRO relief, supported by an F.R.C.P. 65(b) Affidavit.

Requests for expedited discovery will generally be granted, provided that all such discovery is reciprocal.

D. **Trial Procedures**

1. **Scheduling of Cases**

At or before the pretrial conference, a date for trial will be scheduled. There will generally be one or more backup cases scheduled for the same week on a rolling docket basis. Counsel in backup cases will have a minimum of one week notice prior to being called to trial. Vacation schedules, family conflicts and personal/professional conflicts will be accommodated when possible, provided reasonable notice is forthcoming.

2. **Trial Hours/Days**

Court will be in session Monday through Thursday from 9:30 a.m. to 4:30 p.m. (or later if necessary) with breaks at approximately 11:00 a.m. and 3:00 p.m. Fridays are reserved for status and pretrial conferences, sentencing and evidentiary hearings. Counsel must be available at 9:00 a.m. (or earlier if necessary) and 4:30 p.m. to meet with the court concerning scheduling, trial problems, and to obtain advance rulings on

evidentiary or other issues.

3. **Trial Briefs**

Trial briefs are optional, but appreciated. There are no filing date restrictions, but the briefs are much more useful and more likely to be given serious consideration if filed at least one (1) week before trial. Briefs should not exceed twenty (20) pages. In bench trials, counsel are required to submit proposed findings of fact and conclusions of law in advance of trial and after trial as ordered.

4. **Voir Dire**

The Courtroom Deputy conducts voir dire in civil cases. Counsel are permitted to supplement the standard questions provided that the proposed voir dire questions are submitted one (1) week in advance of trial. If counsel agree on the proposed question(s), it will likely be permitted and asked by the Courtroom Deputy.

5. **Notetaking by Jurors**

Jurors are permitted to take notes.

6. **Side Bars In Reference To Jurors**

Side bars are discouraged because they waste the jury's time and unduly extend the length of the trial. Counsel are required to file motions in limine together with supporting briefs at least one week in advance of trial with regard to evidentiary matters. Counsel may meet with the court at 9:00 a.m. (or earlier if necessary) and 4:30 p.m., each day to raise/argue points of evidence or other issues that would otherwise necessitate a side bar conference. Failure to raise the issue at that time will generally result in a ruling on the objection in court in the presence of the jury.

7. **Examination of Witnesses Out of Sequence**

When appropriate, witnesses may be examined out of sequence in the discretion of the Court. Generally witnesses may be examined in any order upon which counsel agree.

8. **Opening Statements and Summations**

Up to one hour is permitted to each party for opening and closing statements, depending on the complexity of the case.

9. **Examination of Witnesses or Argument by More Than One Attorney**

Co-counsel are not permitted to split up the examination of a witness or opening and closing arguments. One attorney per witness/argument.

10. **Examination of Witnesses Beyond Direct and Cross**

Redirect and recross examination is permitted on a limited basis.

11. **Videotaped Testimony**
No special procedures, but for the local rules of court.
12. **Reading of Material into the Record**
Counsel may devise their own methodology, provided opposing counsel agrees.
13. **Exhibits**
All exhibits must be marked and exchanged in advance of trial. Copies are to be provided to the court. All objections are to be made and ruled upon prior to trial. Counsel are not to take time during trial to exchange exhibits with each other as it will have been accomplished prior to trial. With advance notice and approval of the court, visual aids and exhibits may be used during opening statements.
14. **Directed Verdict Motions**
The requirements are as set forth in the Federal Rules of Civil Procedure.
15. **Jury Instructions and Verdict Forms**
The Court prefers O'Malley, Grenig & Lee for standard jury instructions. All parties are required to submit proposed jury instructions and verdict slips at least one week prior to trial, and it is appreciated if the computer disk which counsel used would also be provided. A charging conference will be held, at which time a ruling will be made on each point for charge and a copy of the court's proposed charge will be provided to counsel. Counsel are required to state objections to the proposed charge at the charging conference and to supply proposed alternate language, together with case authority. Counsel will also approve the form of the verdict slip at the charging conference.
16. **Proposed Findings of Fact and Conclusions of Law**
Proposed findings of fact and conclusions of law are required in bench trials and in jury trials regarding matters which require the court to make preliminary findings prior to a ruling. These are to be submitted at least one week in advance of trial and following trial as ordered.
17. **Offers of Proof**
There should be no requests for offers of proof during trial as counsel will have discussed the next day's trial witnesses at the 4:30 p.m. conference with the court (or at the following trial day's trial conference at 9:00 a.m.).
18. **General Courtroom Rules**
The Court has no special courtroom decorum rules. Counsel may conduct the trial in any reasonable manner which they deem fit, provided it is done with courtesy and civility.

E. **Jury Deliberations**

1. **Written Jury Instructions**
The jury will be provided with a copy of the Court's jury instructions.
2. **Exhibits in the Jury Room**
Generally, the jury will have all trial exhibits during its deliberation.
3. **Jury Requests to Read Back Testimony or Replay Tapes During Deliberations**
Such requests are permitted on a limited basis after consultation with counsel and after the jury is able to point to a specific portion of the testimony or videotape.
4. **Jury Questions**
All written questions submitted by the jury are supplied to counsel who will then meet with the court to discuss and hopefully agree upon a reply. The jury will then be summoned to the courtroom in most cases and the verbal reply will be given to them. A written reply will also be provided when appropriate.
5. **Availability of Counsel During Jury Deliberations**
Trial counsel need not remain in the courtroom area, but must be available by telephone so that they may promptly return to the courtroom upon being contacted by the Court.
6. **Interviewing the Jury**
Interviews of jurors post-verdict is discouraged, but the jury will be instructed that it is their choice to decide whether to be interviewed or not.

IV CRIMINAL CASES

- A. **Motions**
Motions for extension of time to file pretrial motions are generally granted, especially if there may be a significant amount of discovery material or the case may involve a wiretap or a complex factual scenario. Appropriate language which excludes delays from the operation of the Speedy Trial Act should be included in any order with such motion.
- B. **Pretrial Conference**
A status conference shall be scheduled in every case well in advance of trial.
- C. **Guilty Pleas**
There are no special rules regarding pleas of guilty and no specific deadlines for accepting or rejecting plea agreements. Counsel are encouraged to engage plea bargain understandings as

early as reasonably possible to avoid usurping scheduled trial time. A written colloquy is utilized at the hearing on every acceptance of a plea of guilty and counsel may have a general format copy of the colloquy upon request.

D. **Voir Dire**

The Judge conducts the voir dire in criminal cases. Counsel may submit proposed questions to supplement the standard voir dire which must be submitted to the court at least one week prior to trial.

E. **Trial**

Counsel may decide when or if they will present an opening statement. Defense counsel may not present an opening both before and after the prosecution.

Sidebars are disfavored and will not be permitted if same is to decide an issue that could/should have been decided in chambers before or after court.

Motions in limine must be filed with a supporting brief at least one week in advance of trial.

Transcripts of tape recorded conversations are permissible.

The government is encouraged to provide Jencks Act material no later than the date on which jury selection begins.

Brady material should be exchanged well in advance of trial.

Special interrogatories to the jury will be permitted upon request of counsel in appropriate cases.

A copy of the Court's instructions/charge will be provided to the jury.

Standard jury instructions are taken from O'Malley, Grenig & Lee. Counsel are required to submit written suggestions for instructions one week in advance of trial and a copy of the computer disk will be appreciated. A charging conference will be held, at which time a ruling will be made on each point for charge and a copy of the Court's proposed charge will be supplied to counsel. Counsel are required to state objections to the proposed charge at the charging conference and to supply the alternate language, together with case authority.

F. **Objections to Presentence Investigation Report**

Objections must be submitted by counsel well in advance of the sentencing hearing if counsel expects to receive tentative findings and conclusions from the court.

Tentative Findings and Conclusions Regarding Disputed Facts or Factors will be provided to counsel in advance of the sentencing hearing.

The parties will be notified in advance and provided with the Court's justification(s) when a downward or an upward departure from the sentencing guidelines is contemplated.

V. BANKRUPTCY CASES

N/A

VI. BANKRUPTCY APPEALS (TO THE DISTRICT COURT)

A. **Filing and Scheduling**

Briefs are to be filed within thirty (30) days by appellant and thirty (30) days thereafter by appellee.

B. **Oral Argument**

Oral argument is not generally scheduled, but may be granted upon request.

C. **Other General Practices/Procedures**

Briefing schedules and other deadlines imposed by the Federal Rules of Bankruptcy Procedure will be modified as appropriate upon the request of a party.

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

_____)	
)	
Plaintiff,)	Civil Action No. _____
)	
v.)	
)	
_____)	
)	
Defendant.)	
)	

CASE MANAGEMENT/SCHEDULING ORDER

AND NOW, this _____ day of _____, 2003, **IT IS ORDERED** that this action is subject to Local Rule 16.1 of this Court for pretrial proceedings and all provisions of the Rule will be strictly enforced. This action is designated as a [**Track I or Track II**] case under Local Rule 16.1.3.

IT IS ALSO ORDERED that counsel shall confer with their clients prior to all case management/scheduling, status, or pretrial conferences to obtain authority to participate in settlement negotiations which may be conducted or ordered by the Court.

IT IS FURTHER ORDERED that compliance with provisions of Rule 16.1 shall be completed as follows:

- (1) The Rule 26(a)(1) disclosure statements of the parties are to be exchanged among counsel by _____ (**within 14 days after the initial Case Management/Scheduling Conference**).
- (2) The parties shall move to add new parties within (**thirty (30) days after the initial Case Management/Scheduling Conference**).
- (3) The parties shall move to amend the pleadings on or before _____ (**30 days before the end of discovery**).
- (4) The parties shall complete all discovery on or before _____. All interrogatories, depositions, requests for admissions, and requests for production shall be served within sufficient time to allow responses to be

completed and depositions taken prior to the close of discovery (**120 days after initial Case Management/Scheduling Conference**).

- (5) Responses to any non-dispositive motion are due within twenty (20) calendar days of the filing of said motion with the Clerk of Court.
- (6) **Motions for Summary Judgment** with affidavits, evidentiary material and accompanying brief(s) shall be filed by _____. **(30 days after the end of discovery). A Response and brief to such motions shall be filed within 30 days thereafter.** Briefs shall not exceed twenty (20) pages, excluding tables/exhibits. Reply briefs are not encouraged, but may be filed without leave of Court within 5 days of the filing of the Response and shall not exceed 5 pages.
- (7) Plaintiff's Pretrial Narrative Statement shall comply with Rule 16.1.4.A, and be filed by _____ **(21 days after the close of discovery).**
- (8) Defendant's Pretrial Narrative Statement shall comply with Rule 16.1.4.B, and be filed by _____ **(42 days after the close of discovery).**
- (9) Third-Party Defendant's Pretrial Narrative Statement shall comply with Rule 16.1.4.C, and be filed by _____ **(20 days after the filing of Defendant's Pretrial Narrative Statement).**
- (10) Material facts not identified in the pretrial narrative statements may be excluded upon objection or sua sponte. Witnesses or exhibits not identified in the pretrial narrative statements shall not be admissible at trial, except an exhibit to be used solely for impeachment or rebuttal purposes.
- (11) The parties shall not amend or supplement their pretrial narrative statements without leave of Court upon good cause shown.
- (12) All parties shall file a stipulation as to whether they are willing or not to proceed to trial before a Magistrate Judge by _____ **(56 days after the close of discovery).**

- (13) **EXPERT'S REPORTS AND DISCOVERY:** (If applicable)
- (a) Plaintiff's expert reports shall be filed by _____.
 - (b) Defendant's expert reports shall be filed by _____.
 - (c) All expert depositions shall be completed by _____.
 - (d) Any motions which challenge the qualifications of any proposed expert witness and/or the substance of such expert's testimony shall be filed by _____.
- (14) The parties shall also confer with regard to compromise and settlement of this action. Each party is directed to file a Certificate of Compliance setting forth the parties' settlement demand or offer, as the case may be, said certificate to be filed on or before _____ (four days prior to pretrial conference).
- (15) The Court shall conduct a pretrial conference on _____ (date), at _____ (time). Counsel shall instruct their clients or principals to attend or be available by telephone to facilitate the amicable resolution of the litigation. **Trial counsel must attend.** (To be left blank for the court to complete after the Case Management/Scheduling Conference)

Terrence F. McVerry
United States District Court Judge

cc: All Counsel of Record
(Names/Addresses)

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

))
Plaintiff,))
v.) Civil Action No.
))
))
Defendant.))
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))
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PRETRIAL ORDER

AND NOW, this _____ day of _____, 200__, the Court hereby ORDERS as follows:

A. Final Pretrial Order:

1. Jury selection and trial is hereby scheduled for _____, 200__ at _____ a.m., in Courtroom 10, Tenth Floor, U.S. Post Office & Courthouse, 700 Grant Street, Pittsburgh, Pennsylvania 15219.

2. The following items shall be filed with the Clerk of Court, served upon opposing counsel and submitted to Chambers unless otherwise specified.

3. Exchange of Witness Lists and Exhibits.

(a) Plaintiff(s) shall submit a list of trial witnesses, specifying separately those whom will be called and those whom may be called if needed (other than purely for impeachment), including a list with copies of all proposed exhibits consecutively numbered

by _____ **[a date approximately three (3) weeks prior to trial]**. (Copies of exhibits need not be filed with the Clerk.)

(b) Defendant(s) shall submit a list of trial witnesses, specifying separately those whom will be called and those whom may be called if needed (other than purely for impeachment), including a list with copies of all proposed exhibits consecutively lettered by _____ **[a date approximately two (2) weeks prior to trial]**. (Copies of exhibits need not be filed with the Clerk.)

(c) Voluminous data shall be presented by summary exhibits pursuant to Fed. R. Evid. 1006, and voluminous exhibits shall be redacted to eliminate irrelevant material (which shall remain available for examination by opposing counsel). Where copies of documents are offered, the originals shall be available for examination, unless waived by stipulation.

4. Designation of Discovery Excerpts to be Offered at Trial. The parties shall submit designation of excerpts from depositions, interrogatory answers, and responses to requests for admission to be offered at trial (other than for impeachment or rebuttal) by _____ **[approximately two (2) weeks prior to trial]**.

5. Motions. The parties shall file all motions in limine, including motions under Fed. R. Evid. 104(a) and motions to limit or sever issues, together with supporting briefs or memoranda of law, by _____ **[two (2) weeks prior to trial]**. Responses shall be filed by _____ **[one (1) week prior to trial]**. All briefs supporting or opposing such motions shall be limited to twenty (20) pages.

6. Proposed Jury Instructions. Substantive jury instructions (elements of plaintiff's cause of action and defendant's defenses) are to be submitted in the following format:

(a) The parties are required to jointly submit one set of agreed-upon instructions by _____ [**one (1) week prior to trial**] with citations of authority. To this end, counsel are required to serve their proposed instructions upon each other two (2) weeks prior to trial. Counsel should then meet, confer and submit one complete set of agreed-upon instructions.

(b) If counsel cannot agree upon one complete set of instructions, they are required to submit one set of agreed-upon instructions and separate supplemental sets of instructions which are not agreed-upon with specific objections and citations of authority regarding the disputed instruction(s).

(c) All instructions should be short, concise, understandable and neutral statements of law. Argumentative or formula instructions are improper and should not be submitted. The parties should note that the Court generally prefers instructions from "Federal Jury Practice and Instructions," O'Malley, Grenig and Lee.

7. Proposed Voir Dire. The parties shall file any proposed voir dire questions, if different from those listed at Local Rule 47.1, by _____ [**one (1) week prior to trial**].

8. Proposed Verdict Forms. The parties shall submit proposed verdict forms by _____ [**one week prior to trial**].

9. Joint Stipulations. The parties shall file a joint statement of stipulations by _____ [one (1) week prior to trial]. All possible stipulations shall be made as to:

- (a) Facts;
- (b) Issues to be decided;
- (c) The authenticity and admissibility of exhibits;
- (d) Expert qualifications and reports;
- (e) Deposition testimony to be read into the record;
- (f) A brief statement of the claims and defenses to be read to the jury at the introduction of the trial.

Counsel shall meet at a mutually convenient time and place to produce the joint stipulation in time for filing as ordered.

10. Final Pretrial Conference. A final pretrial conference may be scheduled on _____ [one (1) week prior to trial], Room 1008, Tenth Floor, U.S. Post Office & Courthouse.

B. Trial Procedures:

1. Court will commence promptly at **9:30 A.M.** each morning. A morning break will be taken at approximately **11:00 A.M.** Luncheon recess will be from **12:30 P.M.** to **1:30 P.M.** An afternoon break will be taken at approximately **3:00 P.M.** and Court will adjourn at **4:30 P.M.** **All counsel and witnesses are expected to be in their seats and ready**

to commence at the appointed times. Court will be in session from Monday through Thursday.

2. Because counsel will have previously marked and exchanged all exhibits and provided a copy to the Court, it will not be necessary during the trial to show exhibits to opposing counsel prior to using them.

3. It will not be necessary for counsel to request permission to approach a witness.

4. Up to one hour is permitted each party for opening and closing statements, depending on the complexity of the case.

5. Counsel may use exhibits or charts in an opening statement provided that the same have been provided to opposing counsel beforehand and either agreement was reached or the Court has ruled upon the matter.

6. Side bar conferences are discouraged. The flow or continuity of the case militates against a side bar each time an evidentiary problem arises. Counsel shall be prepared to state the legal basis for an objection with specific reference to the applicable Federal Rule of Evidence, without elaboration, opinion or argument (unless invited), and the Court will rule on the objection without additional discussion except in the most doubtful or critical areas. If necessary, counsel and the Court may amplify their objections and rulings on the record after the jury has been excused for a break, lunch or for the day.

It is expected that counsel will anticipate sensitive evidentiary issues which may require lengthy argument and will take up such matters out of the presence of the

jury. The Court will be available at **9:00 A.M.** (or earlier if necessary) each morning and **4:30 P.M.** each afternoon to address such issues. It is the responsibility of counsel to notify the Court and other counsel of the need for a conference at 9:00 A.M. or 4:30 P.M. and all other counsel will be expected to be present at the appointed time for argument. **THE COURT WILL NOT DELAY THE PROCEEDING TO RESPOND TO LAST MINUTE REQUESTS FOR CONFERENCES TO DISCUSS MATTERS WHICH, IN THE EXERCISE OF REASONABLE DILIGENCE, COULD HAVE BEEN HEARD AT A MORNING OR AFTERNOON CONFERENCE.**

7. Prior to the commencement of the trial, counsel shall provide opposing counsel with the actual list of the next day's witnesses in the order they are expected to be called. The same procedure will be employed by both sides at the end of each court day.

8. The jury shall be permitted to take notes.

9. A copy of the written charge shall be provided to the jury for use during its deliberations.

10. Generally, the jury will have all exhibits during its deliberations.

11. The jury panel in this matter shall consist of eight (8) jurors.

Terrence F. McVerry
United States District Court Judge

cc: All Counsel of Record
(Names/Addresses)